

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for
Reinstatement of:

OAH No. 2010090295

DIONNA FADAVI,

LVN No. VN 182006 (Surrendered)

Petitioner.

DECISION

This matter was heard by a quorum of the Board of Vocational Nursing and Psychiatric Technicians on September 15, 2010, in Los Angeles, California. Administrative Law Judge Humberto Flores from the Office of Administrative Hearings presided.

M. Travis Peery, Deputy Attorney General, represented the California Department of Justice. Dionna Fadavi (Petitioner) appeared personally and represented herself.

Evidence was received and the matter was submitted for decision. The Board of Vocational Nursing and Psychiatric Technicians (Board) finds as follows:

FACTUAL FINDINGS

1. On September 8, 1997, the Board issued Vocational Nurse License No. 182006 to Petitioner.

2. In 2004, the Executive Officer of the Board filed an Accusation (Case No. 6695) against Petitioner alleging that Petitioner engaged in unprofessional conduct under Business and Professions Code sections 2878 and 2878.5, for the following conduct: (1) Petitioner on numerous occasions obtained various controlled substances by fraud and misrepresentation by removing medications from a narcotic drawer, fabricating record entries, and taking the medications for her personal use, in violation of Health and Safety Code section 11173, subdivision (a); (2) Petitioner falsely presented herself as a patient at certain urgent care facilities to obtain medications for her personal use; and (3) Petitioner falsified, or made grossly incorrect, inconsistent or unintelligible entries in hospital or patient records in order to obtain medications.

3. By Decision adopting a Stipulated Settlement and Disciplinary Order in Case No. 6695, effective April 28, 2005, the Board revoked Petitioner's Vocational Nurse License. The basis for the above Disciplinary Order was Petitioner's admission of all allegations in the Accusation.

4. On November 21, 2006, in the Superior Court of California, Placer County, Petitioner was convicted of violating Health and Safety Code section 11377, subdivision (a), possession of controlled substance, a misdemeanor.

5. On May 10, 2007, in the Superior Court of California, County of Santa Clara, Petitioner was convicted of violating Penal Code section 459/460, subdivision (b), second degree burglary, a misdemeanor.

6. Petitioner submitted proof that she completed a 30-day drug treatment program in August 2006. However, she continued to use drugs for another year.

7. Petitioner testified that she has been clean and sober for three years. She stopped using controlled substances during her incarceration for her 2007 burglary conviction. She attributes her continued sobriety to her church attendance and to a higher power. Petitioner quit using illegal drugs on her own, without the benefit of a Narcotics Anonymous program.

LEGAL CONCLUSIONS

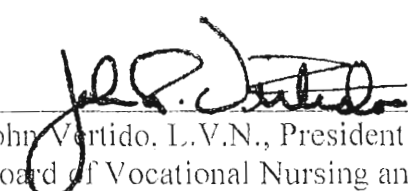
Cause does not exist under Business and Professions Code section 2878.7 to grant the Petition for Reinstatement submitted by Petitioner. Petitioner is making an effort to address and overcome her history of drug abuse; however, she has not demonstrated sufficient rehabilitation for reinstatement. The Board considered Petitioner's history of drug use, her two convictions, which occurred after her license was revoked, and the fact that she continued to use drugs after completing a rehabilitation program. Based on the evidence presented at hearing, reinstatement is not appropriate at this time.

ORDER

The Petition for Reinstatement of the Vocational Nurse License (No. 182006) submitted by Dionna Fadavi is denied.

DATED: December 8, 2010

EFFECTIVE DATE: December 23, 2010


John Vertido, L.V.N., President
Board of Vocational Nursing and
Psychiatric Technicians